

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT TACOMA

NGHIA NGUYEN,

Case No. 3:23-cv-05102-TMC

Plaintiff,

ORDER ADOPTING REPORT AND RECOMMENDATION

V.

TODD COLEMAN, THERESA JOHNSON,
and SCOTT LIGHT,

Defendant.

The Court, having reviewed the Report and Recommendation of Magistrate Judge David W. Christel (Dkt. 69), Plaintiff Nghia Nguyen's objections to the Report and Recommendation (Dkt. 70), and the remaining record, does hereby find and ORDER:

(1) The Court adopts the Report and Recommendation.

- a. The Court has conducted de novo review of the Report and Recommendation based on Mr. Nguyen’s objections. Fed. R. Civ. P. 72(b); *United States v. Reyna-Tapia*, 328 F.3d 1114, 1121 (9th Cir. 2003) (en banc). The Court will address each objection in turn.
- b. Mr. Nguyen first objects that “[t]he magistrate failed to view all facts in a light most favorable to Mr. Nguyen.” Dkt. 70 at 1. Specifically, Mr. Nguyen

1 points to his allegations that Defendant Light was his primary care provider,
2 that Defendants Coleman and Johnson were responsible for ensuring that he
3 had appropriate medical care, and that the delay in surgery and steroid
4 injections for his chronic shoulder pain was medically unacceptable. But on
5 summary judgment, the Court must consider the evidence in the record, not
6 just Mr. Nguyen's allegations. The Court agrees with Judge Christel that the
7 evidence presented at summary judgment, even considered in the light most
8 favorable to Mr. Nguyen, would not be sufficient for a reasonable jury to
9 conclude that Defendants exhibited deliberate indifference to Mr. Nguyen by
10 acting in conscious disregard of an excessive risk to his health. This objection
11 is overruled.

12 c. Mr. Nguyen's second objection is that the Magistrate Judge "did not address
13 Nguyen's claim of infliction of unnecessary pain by unreasonable delays in
14 needed medical treatment." Dkt. 70 at 1. But Judge Christel correctly framed
15 Nguyen's claim as concerning "the allegedly insufficient management of his
16 shoulder pain and delay in receiving the steroid injection and shoulder
17 surgery." Dkt. 69 at 14. And the Court agrees with Judge Christel's analysis
18 that there is not sufficient evidence in the record from which a reasonable jury
19 could conclude that the medical treatment provided before Mr. Nguyen
20 ultimately received steroid injections and surgery reflected deliberate
21 indifference. This objection is overruled.

22 (2) Defendants' Motion for Summary Judgment (Dkt. 47) is granted, Plaintiff's federal
23 claims are dismissed with prejudice, and Plaintiff's state law claims are dismissed
24 without prejudice.

(3) Plaintiff may maintain his *in forma pauperis* status on appeal.

(4) The Clerk is directed to send copies of this Order to Plaintiff, counsel for Defendants, and to the Hon. David W. Christel.

Dated this 2nd day of May, 2025.

Tony Weller

Tiffany M. Cartwright
United States District Judge